

CHAPTER IV

‘Slaves to the System’ and Awareness of North Korean Forced Labour

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Almost two years have passed since the first report on North Korean forced labour in the European Union was released to the public. The effects have been felt in the chambers of the International Labour Organization, the European Parliament, national diets across the world, and most visibly in the international media. Documenting the still underdeveloped field of North Korean labour export, the report raised awareness concerning a substantial blind spot in the exploration of these practices.

For two years, Poland has been the central case study. This is because, unlike many other countries, Polish local institutions have been cooperative in laying bare the intricacies of overseas North Korean labour, despite the swift and flexible bending around legal loopholes by local human resource managers and North Korean managers. However, despite having had the opportunity – following the release of the report – to progressively position itself as a country willing to limit and regulate forced labour of this kind, the national government in Poland chose instead to continue the issuance of working permits to North Korean labourers, even after repeated promises to the contrary.¹ Although these work permits are not the central issue, the government has steadfastly refused to utilise its deep and broad resources to handle the issue, and has been found to have severely underperformed in documenting the working conditions of the North Korean workers within its own borders.

To more positive effect, the findings presented in the report have found their way to news outlets across the world. Directly after the publication of the first edition, it was extensively covered by the Korean language edition of Radio Free Asia.² *The Diplomat* jux-

1) This ‘promise’ was extensively covered; for a short overview see: Anna Bisikalo, ‘Poland Halts Intake of North Korean Workers’, *Transitions Online*, 8 June 2016.

2) Yang-hee Jung, ‘북, 네덜란드대 북 노동자 연구 중단 압박’, *RFA*, 2 May 2016, accessed 21 March 2018, <https://www.rfa.org>

taposed the early efforts of the researchers with that of Marzuki Darusman’s comments on North Korean workers abroad, reinforcing the importance of the issue within the United Nations.³ In order to locate the responsibility for the allowance and continuation of these practices, the article elaborates on structural difficulties of addressing forced labour. This is especially true in the European Union, where the report has had something of a ‘wow effect’, simply because of its geographical focus.

In the Netherlands, the surprise among journalists was visible in the spin the story was given in national newspapers. Focusing on the extent of the practice, *de Volkskrant* combined the findings of the report with the data released by the Global Slavery Index, published by the Walk Free Foundation. The article’s headline emphasised the global leadership of the North Korean regime in the facilitation of ‘global slavery’: ‘45.8 Million Slaves Globally, North Korea Takes the Cake’.⁴ The working conditions of these labourers are highlighted as especially harsh. Detailing the long working hours, days, and sporadic salary payments, the nationally distributed free newspaper *Metro* also delivers the findings of the report with euphemistic sarcasm, commenting that ‘life as a North Korean is certainly not a lot of fun’.⁵ In the run up to the publication and conference scheduled in July 2016, opinion pieces by the authors also found their way into national and international news outlets, generating a large response in the form of phone calls, radio and television requests, and demanding emails.⁶

The intricacy of forced labour schemes and the complicated legal implications can be hard to unravel, and various news sources automatically connected the (plausible) dots between the much-debated North Korean missile programme and earnings from the forced labour practices covered in the report. *The Telegraph*, quoting UN sources, assertively claimed that funds gained from overseas forced labour ‘fund the [North Korean] regime’s nuclear weapons and missile programmes’.⁷ This connection is implied strongly by the article’s segue into a summary of the report’s findings. This is concluded on a strong note by capturing one

www.rfa.org/korean/in_focus/human_rights_defector/ne-yh-02052016153222.html?searchterm:utf8:ustring=.

3) John Power, ‘New Group Seeks to End North Korea’s Forced Labour Abroad’, *The Diplomat*, 3 November 2015, accessed 21 March 2018, <https://thediplomat.com/2015/11/new-group-seeks-to-end-north-koreas-forced-labour-abroad/>.

4) ‘45,8 miljoen slaven wereldwijd, Noord-Korea spant de kroon’, *de Volkskrant*, 31 May 2016, accessed 21 March 2018, <https://www.volkskrant.nl/buitenland/-45-8-miljoen-slaven-wereldwijd-noord-korea-spant-de-kroon~a4310966/>.

5) Rens Oving, ‘Noord-Koreaanse dwangarbeiders werken ook in Europa’, *Metro*, 30 May 2016, accessed 21 March 2018, <https://www.metronieuws.nl/nieuws/buitenland/2016/05/noord-koreaanse-dwangarbeiders-werken-ook-in-europa>.

6) See for example: Christine Chung and Remco Breuker, ‘Commentary: North Korea Farming out Forced Labour to the European Union’, *Reuters*, 26 April 2016, accessed 21 March 2018, <https://www.reuters.com/article/us-north-korea-eu-commentary/commentary-north-korea-farming-out-forced-labour-to-the-european-union-idUSKCN0XN2PA>; Christine Chung and Remco Breuker, ‘NK Farming out Forced Labour to the European Union’, *Daily Times*, 1 May 2016, accessed 21 March 2018, <https://dailytimes.com.pk/84946/nk-farming-out-forced-labour-to-the-european-union/>; Remco Breuker, ‘Drijf wig tussen systeem en volk Noord-Korea’, *Reformatorisch Dagblad*, 13 February 2016, accessed 21 March 2018, <https://www.rd.nl/ opinie/drijf-wig-tussen-systeem-en-volk-noord-korea-1.527142>.

7) Julian Ryall, ‘Polish Firms Employing North Korean ‘Slave Labourers’ Benefit from EU Aid’, *The Telegraph*, 31 May 2016, accessed 21 March 2018, <http://www.telegraph.co.uk/news/2016/05/31/polish-firms-employing-north-korean-slave-labourers-benefit-from/>.

of the most covered elements of the report, the European Union's own funding of companies involved in the facilitation of these forced labour practices.

This particular perspective has gained significant traction in the United Kingdom. It has been repeated by the more conservative leaning media outlets in the country, almost to the point of saturation. *The Sun's* framing of this element of the report is especially poor. Without bothering to generalise the entire European population's role in the issue, it simply focuses on the unfortunate predicament British taxpayers find themselves in by being part of the EU, foreshadowing Brexit by a few months. The article is titled: 'Fears British Taxpayers' Cash is Being Funnelled into North Korea's Nuclear Weapons Programme Through the EU', and is a prime example of making the wrong conclusions based on the right information.⁸ Nevertheless, the article does manage to put pressure one of the sore spots of European negligence on the issue by addressing the opaque constructions through which EU funds are being handed out, and subsequently the complete dismissal of responsibility on the issue.

Elaborating on the European response to the report, the Dutch newspaper *de Volkskrant* interviewed Dutch politician and MEP Agnes Jongerius on the handling of the issue in Brussels. The original 'Slaves to the System' report included a preface from Jongerius, and her personal opinion on the issue is stated clearly: 'This should not be possible.'⁹ The availability of North Korean forced labour has been pointed out in Russia and China, yet the geographical proximity of these workers has not sent the same shock waves through the European Parliament as they have through international media. The report has been discussed on several occasions. Failing to address the issue up until very recently, however, the findings were archived and stored for later discussion. According to *de Volkskrant*, this impediment is not because of a general political unwillingness, but rather the result of Polish denial of any issue whatsoever.

Of course, this perspective is not limited to the European media. The *Korea Herald* headlined their coverage on the new findings with 'EU Funds Allegedly Help Bankroll N.K. Regime: Study', making the same connection, albeit cautiously.¹⁰ The content of the article relies much more on the actual findings, detailing the employment structures and payment methods utilised in Poland. Juxtaposing the report with the recent findings published by the North Korean Database for Human Rights Research Center, located in Seoul, the article is more reserved about generalising the issue into some form of victimhood for localised taxpayers, focusing more on the egregious exploitation of North Korean workers. EU funds are attractive for any developing sector, yet some of these funds end up in companies that employ North Korean forced labour. Nevertheless, dehumanising the North Korean victims and shifting victimhood for domestic political gain is not a structural solution for this

8) Craig Woodhouse, 'Fears British Taxpayers' cash is being Funnelled into North Korea's Nuclear Weapons Programme', *The Sun*, 25 May 2016, accessed 21 March 2018, <https://www.thesun.co.uk/archives/politics/1215534/fears-british-taxpayers-cash-is-being-funnelled-into-north-koreas-nuclear-weapons-programme-through-the-eu/>.

9) Sacha Kester, 'Noord-Korea verdient dik aan dwangarbeiders in EU, Brussel onderneemt niets', *de Volkskrant*, 29 May 2017, accessed 21 March 2018, <https://www.volkskrant.nl/buitenland/noord-korea-verdient-dik-aan-dwangarbeiders-in-eu-brussel-onderneemt-niets~a4497563/>.

10) Shin Hyon-hee, 'EU funds allegedly help bankroll N.K. regime: study', *Korea Herald*, 30 May 2016, accessed 21 March 2018, <http://www.koreaherald.com/view.php?ud=20160530000804&mod=skb>.

problem. Framing North Korean forced labour in the way *The Sun* does, distracts from the importance of finding a way to end these practices in the EU, and in general.

The Vice documentary 'Cash for Kim' details the subject of North Korean forced labour visually and with journalistic vigour. It supplements the documentation of forced labour practices in Poland with interviews, placing in context the broader structural formation of North Korean forced labour by adding the human decision-making process of both North Korean and local human resource managers.¹¹ Following this example, Danish documentary makers closely followed both the format and information of the Vice version, adding their domestic concerns in the shape of Danish warships being built with the same North Korean hands.¹² There was a large domestic spin-off in Denmark, resulting in extensive coverage of the issue. The dissatisfaction of local media outlets with the practice was presented with astonishing clarity, with articles using headlines such as: 'Danish Warship Built with the Help of North Korean Slave Workers',¹³ and 'North Korean Forced Labourers Hired to Build Armed Forces' New Warship'.¹⁴ The anxiety of North Korean labour on domestic production is suddenly tangible when it fits into a pattern of ideological securitisation. The result of this process is visible in the national coverage governmental production lines suddenly received.¹⁵ The follow-up extended into international coverage, with *Newsweek's* exploration of Danish firm Karstensens Skibsværft's outsourcing of the production of the warship named 'Lauge Koch'.¹⁶ This was done at Crist Shipyard, one of the Polish exploiters of North Korean forced labour. The connection back to the findings of the first report solidifies the article's main argument.

The central pillar in this connection between security and North Korean labour is the conclusion that the shipyards employ North Korean labourers. Following an incident in which one North Korean worker died in a welding accident – he was wearing flammable clothing and was working in a room without any safety precautions – the Polish Labour Inspectorate determined that it was time to verify allegations of misconduct. The companies under investigation were not only recipients of EU funds, but included Nauta, a NATO certified company that has already concluded projects on NATO military vessels. However, beyond the Scandinavian media this particular aspect has remained peripheral.

11) Sebastian Weis, 'Cash for Kim: North Korean Forced Labourers in Poland', *Vice*, 27 February 2017, accessed 21 March 2018, https://www.vice.com/en_id/article/ypea8j/cash-for-kim-north-korean-forced-labourers-in-poland.

12) The documentary was shown on the DR2 channel, a public network in Denmark.

13) 'DR: Dansk krigsskib er bygget ved hjælp af nordkoreanske slavearbejdere', *B*, 26 September 2017, accessed 21 March 2018, <https://www.b.dk/globalt/dansk-krigsskib-er-maaske-bygget-ved-hjaelp-af-nordkoreanske-slavearbejdere>.

14) 'Nordkoreanske tvangsarbejdere blev hyret til at bygge Forsvarets nye krigsskib', *Information*, 25 September 2017, accessed 21 March 2018, <https://www.information.dk/indland/2017/09/nordkoreanske-tvangsarbejdere-hyret-bygge-forsvarets-nye-krigsskib>.

15) For example, see also: 'Dansk krigsskib bygget med hjælp fra nordkoreanske tvangsarbejdere', *DR*, 24 September 2017, accessed 21 March 2018, <http://www.dr.dk/nyheder/indland/dansk-krigsskib-bygget-med-hjaelp-fra-nordkoreanske-tvangsarbejdere>; 'Nordkoreanske tvangsarbejdere havde kontrakt på at bygge dansk inspektionsskib', *ING*, 25 September 2017, accessed 21 March 2018, <https://ing.dk/artikel/nordkoreanske-tvangsarbejdere-havde-kontrakt-paa-at-bygge-dansk-inspektionsskib-205633>.

16) Sofia Lotto Persio, 'North Korean Forced Labourers Helped Building a Danish Warship: Report', *Newsweek*, 26 September 2017, accessed 21 March 2018, <http://www.newsweek.com/north-korean-forced-labourers-helped-build-danish-warship-report-671573>.

This is not the case on the other side of the Atlantic. In a *New York Times* article that combines several sources on North Korean forced labour, and includes the newspaper's own investigations as well, the centrality of Poland as 'a NATO ally [of the United States] at the heart of the European Union' emphasises the implied danger to strategic military interests, at least from a US perspective.¹⁷ The same awareness remains unimaginable in a European and Korean context because of the centrality of human rights, and the issue of indirect financing of missile programmes, in the discussion (or, in the UK case, reification of anti-EU sentiments). One conspicuous example is found in a column published by *Het Financieele Dagblad*, a Dutch newspaper focused on economic issues.¹⁸ This column, based on the findings of the first report, describes the incredible nature of these obvious human rights violations as they are taking place within EU borders, and addresses the willingness to exploit these workers from both the European and the North Korean side. The author formulates his position quite explicitly, convinced that 'these North Korean forced labourers are on a waiting list in their own country to be allowed to work in foreign countries – anything is better than the horrible oppression in North Korea itself'. Whether this is a well-developed contribution to the discourse remains to be seen. However, the fact that this column, focused on the human rights aspect of the issue, was written by the incumbent Dutch Minister of Justice and Safety, Ferdinand Grapperhaus, is noteworthy.

Nevertheless, *the New York Times'* investigation is also elaborate and a genuine attempt to map the problematic situation as it has developed, and continues to develop. Naturally, as the context of these North Korean forced labour practices becomes more intricately detailed in research, the article has managed to offer a preliminary glimpse into the findings presented here.

The *New York Times* article is an example of how it is possible to construct a larger framework of North Korean overseas dealings, and address the issue of forced labour building on the findings of the first report released by the 'Slaves to the System' research team. The example of North Korean workers in the Czech Republic offers a historical glimpse into the development of the practice. This now historical case study is extensively explored in this issue. Although North Korean workers found a relatively manageable environment in the Czech case, this has not proven true in other cases. More importantly, even if working environments are improved significantly, such developments still do not negate the restriction of liberty, a liberty that is essential to the protection of individual human rights. One of the case's most important conclusions is that continued coverage is paramount to either finding a structural solution or moving the debate forward, and increasing awareness among the public is key to forcing international pressure on those who still facilitate the forcible exploitation of North Korean workers.

Continued coverage is important, and even now international media outlets are picking up on the issue. The Singapore-based newspaper *The Straits Times* recently pub-

17) Peter S. Goodman, Choe Sang-Hun, and Joanna Berendt, 'Even in Poland, Workers' Wages Flow to North Korea', *The New York Times*, 31 December 2017, accessed 21 March 2018, <https://www.nytimes.com/2017/12/31/world/europe/north-korea-poland-workers.html>.

18) Ferdinand Grapperhaus, 'Moderne slavernij', *Het Financieele Dagblad*, 26 July 2016, Opinion & Dialogue Section.

lished an update on North Korea workers in Poland.¹⁹ According to this article, despite pressure from Washington, not only are there still workers left in Poland, but they remain largely unchecked and unregulated. This information is based on the concerns of MEPs, who fear Poland's further estrangement within the EU bloc following the tense Brexit vote and negotiations. It is impossible to gauge comprehensively the extent of forced labour exploitation, and responsibility is even harder to determine without utilising domestic and supranational legal frameworks. Reluctance and untimeliness are the largest impediments in cooperative frameworks to dispelling the practice, but media attention has clearly influenced the debate, often expanding on existing research and creating new opportunities for both pressure and dialogue. As the chapter on the Czech Republic in this volume shows, international pressure and political will are determined by the feasibility of reform, and the willingness of the media to echo public outcry.

In terms of the previous report's impact on international organisations, the timeline and impact differs from that of international media. Initially, any EU response, both domestically and internationally, was glaring in its absence. While the media covered the story in detail and abundance, as shown above, governments remained silent on the issue of North Korean forced labour.

Genuine interest within the Dutch government was sparked when two politicians, both from opposition party *Socialistische Partij* (SP), asked questions in parliament, on 23 January 2017, about North Korean forced labour in the EU on the basis of the 'Slaves to the System' report. Initially, these questions were deflected, with the Minister of Social Affairs and Employment filibustering and stating that 'no evidence has been found of employing North Koreans in conditions that are characterised by forced labour (translated from Dutch by authors)'.²⁰ Because this directly contradicted the findings of the first report, the *Slaves to the System* team wrote a letter to the Minister explaining the research, and its willingness to provide additional documents, evidence, and explanation should it be needed.

On 31 May 2017, questions were raised in parliament again, this time not only by a member of the opposition, but by a member of one of the ruling parties as well.²¹ Following up on the previous lack of response, this time the Minister leaned towards admitting that there was North Korean forced labour in the European Union, albeit rather vaguely.²² Nevertheless, for more than half a year (the second set of questions was only answered on 22 August 2017), the issue received unprecedented attention in the Dutch parliament.

This issue became a parliamentary matter in other countries as well. In Denmark, the team's report and the *Vice* documentary 'Cash for Kim' sparked another investigation

19) 'Defying Washington, North Koreans Continue to Earn Wages', *The Straits Times*, 3 January 2018, accessed 21 March 2018, <http://www.straitstimes.com/world/europe/defying-washington-north-koreans-continue-to-earn-wages-in-poland>.

20) Lodewijk Asscher, Dutch Minister of Social Affairs and Employment, 2017-0000040838, 'Beantwoording van de vragen van de leden Karabulut en Van Bommel', *Response to parliamentary questions 2017Z00871*, 27 March 2017, Q. 3, <https://www.tweedekamer.nl/kamerstukken/kamervragen/detail?id=2017D08423> (accessed 21 March 2018).

21) Lodewijk Asscher, Dutch Minister of Social Affairs and Employment, 2017-0000095270, 'Kamervragen van de leden Ter Broeke (VVD) en Karabulut (SP)', *Response to parliamentary questions 2017Z07198*, 22 August 2017, <https://www.tweedekamer.nl/kamerstukken/kamervragen/detail?id=2017D22856> (accessed 21 March 2018).

22) Ibid.

into North Korean forced labour in Poland, because of the alleged building of Danish war vessels by North Koreans.²³ This issue was picked up in the Danish parliament as well, with questions being asked by politicians, sparking heated debates on the security of the war vessels, and whether or not North Korean labourers had access to sensitive information regarding the construction or technology used in these ships.²⁴

Even before these national debates, but after the preliminary report was released, the issue was briefly discussed at the EU parliament on 17 May 2016, which prompted an European Migration Network investigation committee to research how many North Korean workers were employed in each European country. While the publication of these results was done on a voluntary basis, it did reveal some interesting results, such as Germany admitting to having almost a thousand North Korean labourers.²⁵ This statement was retracted that same year: statistics released in June 2016 stated that while there seemed to be 1,161 North Korean nationals employed in the country, they were recounting.²⁶ To this day, Germany has not published revised figures. In fact, when one now looks up the latest numbers (June 2017) for North Korea, it states ‘The number of persons subject to social security contributions and having a nationality of the Democratic People’s Republic of Korea (North Korea) **is implausible and is therefore not presented**. There is currently no information available [...] (translated from German, emphasis added).’²⁷ While the report was a starting point for this EU ad hoc inquiry, we can still see that countries try hard to avoid admitting they have North Koreans in their workforce. Even if the German number was not as high as first counted, stating that people having DPRK nationality is ‘implausible’ seems like a gross overstatement.

One of the major events surrounding the report was the fact that the case of North Korean forced labourers in Poland was put on the ILO agenda. In August 2016, the Polish Trade Union submitted a report on the periodic review of the Forced Labour Convention (Convention 029) reporting on the situation of Third Country Nationals resembling forced labour. Special reference was made to DPRK workers in the report. The International Labour Organization subsequently dealt with the issue in the 2017 June International Labour Conference in the Commission on the Application of Standards (CAS). The CAS is led by a panel of experts who wrote the following:

23) Sebastian Abrahamsen and Lasse Skou Andersen, ‘Politikere: Nordkoreansk tvangsarbejde er ‘vanvittigt’’, *Information*, 25 September 2017, accessed 21 March 2018, <https://www.information.dk/indland/2017/09/politikere-nordkoreansk-tvangsarbejde-vanvittigt>.

24) Sebastian Abrahamsen and Lasse Skou Andersen, ‘Oppositionen kræver byggeriet af flere danske krigsskibe undersøgt’, *Information*, 27 September 2017, accessed 21 March 2018, <https://www.information.dk/indland/2017/09/oppositionen-kræver-byggeriet-flere-danske-krigsskibe-undersoegt>.

25) European Migration Network, ‘EMN Ad Hoc Query on Ad Hoc Query on North Korean migrant workers’, 17 May 2016, accessed 21 March 2018, http://www.emnitalyncp.it/wp-content/uploads/2018/02/088_-_ad-hoc_query_on_north_korean_migrant_workers_wider_diss.pdf.

26) Bundesagentur für Arbeit Statistik, Beschäftigte nach Staatsangehörigkeiten in Deutschland 30.06.2016, Germany, 30 June 2016 (accessed 21 March 2018).

27) Bundesagentur für Arbeit Statistik, Beschäftigte nach Staatsangehörigkeiten (Quartalszahlen) Deutschland, Länder und Kreise, Germany, 30 June 2017 (accessed 21 March 2018).

The Committee notes the observations of Solidarnosc, stating that Poland is a country of destination of people who become victims of forced labour, the majority of whom are migrants. Solidarnosc also states that there has been exploitation of citizens of the Democratic People’s Republic of Korea (DPRK) for forced labour in Poland. The Committee notes Solidarnosc’s indication that there were 239 DPRK workers brought legally to Poland in 2011 and 509 workers brought legally in 2012. According to Solidarnosc’s indication, DPRK workers have notes Solidarnosc’s concern regarding the working conditions of those workers, which might be assimilated to forced labour.²⁸

The ILO discussion reads ‘In cooperation with the LeidenAsiaCentre of Leiden University, clear examples had been found of serious abuse of DPRK workers employed in Poland, which allowed the conclusion that there was reason for concern about forced labour.’²⁹ The conclusion of the ILO discussion was that the ILO committee urged the Polish authorities to act upon these claims, and provides three key actions to ensure that the victims of forced labour would have access to aid.³⁰ To this end, what the Trade Unions set out to achieve – i.e. ‘*The Government of Poland should take measures to improve the situation. The discussion in the Conference on labour migration should address those issues and should ensure that each worker was recognised as a person entitled to rights, not just as labour*’³¹ – was not completely achieved. It had more than the recommended three key action points. It was, however, a considerable victory in terms of raising awareness about the issue, as well initiating assistance for the victims and fighting the practice.

After the information was increasingly discussed in parliaments, both nationally, in the European Union, and at the ILO, the notion that North Korean forced labour abroad is problematic gained momentum. And while the United Nations Human Rights Commissioner for North Korea had previously mentioned that there are North Korean workers abroad, it took until September 2017 for it to decide to expand the sanctions on North Korea to include ‘a ban on Member States from providing work authorisations for DPRK nationals, other than those for which written contracts have been finalised prior to the adoption of this resolution.’³²

The same was true for the United States. Even though North Korean labour does not occur in America, a decision was taken in Congress on 4 May 2017 to impose individual sanctions on any person who ‘engaged in or was responsible for the exportation of workers from North Korea in a manner intended to generate significant revenue.’³³ This shows that

28) International Labour Organization (Commission on the Application of Standards), C.App./D.4/Add.1, List of Member States Invited to Appear before the Committee and Texts of the individual Cases, 106th session, Geneva, 6 June 2017, 87, http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_556661.pdf.

29) International Labour Organization, Individual Case (CAS) – Discussion: 2017, Publication 106th ILC session (2017), *comments on C029*, Geneva, 16 June 2017, http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3330959 (accessed 21 March 2018).

30) *Ibid.*, 9.

31) *Ibid.*, 8.

32) United Nations Security Council, Committee established pursuant to resolution 1718 (2006), *Resolution 2375, S/RES/2375*(2017) (11 September 2017), <https://www.un.org/sc/suborg/en/s/res/2375-%282017%29> (accessed 21 March 2018).

33) United States Congress, *H.R.1644 – Korean Interdiction and Modernization of Sanctions Act*, 115th Cong., 4 May

it was not only an issue for countries with (a potential for) North Korean labourers, but also for other states who wanted to ensure that these practices are halted.

Even after almost two years, the first 'Slaves to the System' report is still having an impact. On 16 January 2018, the Norges Bank (the Norwegian Central Bank), which manages one of the largest sovereign wealth funds in the world, the Norwegian Government Pension Fund Global (GPF), decided to exclude a company from investment, namely Atal SA in Poland. This was because Atal SA contributed to 'serious human rights violations, including forced labour, through employing a subcontractor which has used North Korean workers at Atal's construction sites'.³⁴ An independent Council of Ethics (CE), which works with the GPF, made the recommendation to exclude Atal SA from investment on 25 August 2017, on the basis on the first 'Slaves to the System' report.³⁵

The CE advises on whether the GPF's investments are in line with its ethical guidelines. The GPF invests in over 9,000 companies, all of which have to adhere to certain principles. For instance, a company that causes severe environmental damage, or produces or sells weaponry cannot be invested in by the GPF.³⁶ Similarly, companies where there is 'an unacceptable risk that the company contributes to or is responsible for [...] systematic or serious human rights violations such as [...] deprivation of liberty and forced labour'³⁷ will also be excluded from investment. It is the CE's task to advise the GPF, and make recommendations on the observation and exclusion of companies in the GPF's portfolio.³⁸

In its recommendation, the CE clearly explains that 'the most important sources stem from the ILO and UN, and the report North Korean Forced Labour in the EU, the Polish Case from the University of Leiden'.³⁹ On the basis of the 'Slaves to the System' report, the CE contacted Atal SA and asked whether it employed North Korean labourers. Atal SA stated that it does not directly hire North Koreans, but that it does work with subcontractors that do.⁴⁰ The CE finds that Atal SA does have a responsibility for all workers at its sites, even if they are hired through subcontractors. It also believes that 'there is an unacceptable risk that Atal will once again contribute to serious human rights violations because the use of North Korean labour appears to be an accepted practice'.⁴¹

The CE decision concretely shows that the first 'Slaves to the System' report has had a considerable impact not only on companies, but on the awareness of the international financial community as well. Throughout this section, we can see that, even after the report,

2017, <https://www.congress.gov/bill/115th-congress/house-bill/1644> (accessed 21 March 2018).

34) Council on Ethics For the Norwegian Government Pension Fund Global, Atal SA, 16 January 2018. <http://etikkradet.no/en/atal-sa-2/> (accessed 21 March 2018).

35) Ibid.

36) Council on Ethics For the Norwegian Government Pension Fund Global, Guidelines for Observation and Exclusion of Companies from the Government Pension Fund Global, 10 February 2017, 2, http://etikkradet.no/files/2017/04/Etikkradet_Guidelines-_eng_2017_web.pdf (accessed 21 March 2018).

37) Ibid.

38) Ibid.

39) Council on Ethics For the Norwegian Government Pension Fund Global, Recommendation to Exclude Atal SA from the Government Pension Fund Global, 25 August 2017, 2, <https://nettsteder.regjeringen.no/etikkradet-2017/files/2018/01/Recommendation-Atal-SA-20473.pdf> (accessed 21 March 2018).

40) Ibid., 4.

41) Ibid., 5.

at a national level, state leaders needed convincing that there is a current problem with hiring North Koreans. However, since then, the issue has gained momentum, and larger organisations have started to comment on it and even try and resolve the issue.

While the issue of North Korean forced labour abroad was already known at the United Nations, the ‘Slaves to the System’ report contributed to awareness within the ILO and the EU, and even in the financial world, with organisations such as the Norges Bank taking precautions. It is this collective awareness that, ultimately, prompted the United Nations, the EU, and the United States to install additional sanctions focusing specifically on North Korean forced labour. Even though there is still a long way to go in combating forced labour, the first ‘Slaves to the System’ report has helped pave the way for raising awareness about North Korean slavery abroad.

References

- Abrahamsen, Sebastian, and Lasse Skou Andersen. ‘Politikere: Nordkoreansk tvangsarbejde er ‘vanvittigt’’. *Information*, 25 September 2017. <https://www.information.dk/indland/2017/09/politikere-nordkoreansk-tvangsarbejde-vanvittigt>.
- ‘Oppositionen kræver byggeriet af flere danske krigsskibe undersøgt’. *Information*, 27 September 2017. <https://www.information.dk/indland/2017/09/oppositionen-kræver-byggeriet-flere-danske-krigsskibe-undersoegt>.
- Asscher, Lodewijk, Dutch Minister of Social Affairs and Employment. 2017-0000040838, ‘Beantwoording van de vragen van de leden Karabulut en Van Bommel’. *Response to parliamentary questions 2017Z00871*, 27 March 2017. Q. 3. <https://www.tweedekamer.nl/kamerstukken/kamervragen/detail?id=2017D08423>.
- 2017-0000095270, ‘Kamervragen van de leden Ter Broeke (VVD) en Karabulut (SP)’. *Response to parliamentary questions 2017Z07198*, 22 August 2017. <https://www.tweedekamer.nl/kamerstukken/kamervragen/detail?id=2017D22856>.
- Bisikalo, Anna. ‘Poland Halts Intake of North Korean Workers’. *Transitions Online*, 8 June 2016.
- Breuker, Remco E. ‘Drijf wig tussen systeem en volk Noord-Korea’. *Reformatorisch Dagblad*, 13 February 2016. <https://www.rd.nl/opinie/drijf-wig-tussen-systeem-en-volk-noord-korea-1.527142>.
- Bundesagentur für Arbeit Statistik. Beschäftigte nach Staatsangehörigkeiten in Deutschland 30.06.2016. Germany, 30 June 2016.
- Beschäftigte nach Staatsangehörigkeiten (Quartalszahlen) Deutschland, Länder und Kreise. Germany, 30 June 2017.
- Chung, Christine, and Remco E. Breuker. ‘Commentary: North Korea Farming Out Forced Labour to the European Union’. *Reuters*, 26 April 2016. <https://www.reuters.com/article/us-north-korea-eu-commentary/commentary-north-korea-farming-out-forced-labour-to-the-european-union-idUSKCN0XN2PA>.

- 'NK Farming Out Forced Labour to the European Union'. *Daily Times*, 1 May 2016. <https://dailytimes.com.pk/84946/nk-farming-out-forced-labour-to-the-european-union/>.
- Council on Ethics For the Norwegian Government Pension Fund Global. Atal SA. 16 January 2018. <http://etikkradet.no/en/atal-sa-2/>.
- Recommendation to exclude Atal SA from the Government Pension Fund Global. 25 August 2017. <https://nettsteder.regjeringen.no/etikkradet-2017/files/2018/01/Recommendation-Atal-SA-20473.pdf>.
- Guidelines for Observation and Exclusion of Companies from the Government Pension Fund Global. 10 February 2017. http://etikkradet.no/files/2017/04/Etikkradet_Guidelines-_eng_2017_web.pdf.
- 'Dansk krigsskib bygget med hjælp fra nordkoreanske tvangsarbejdere'. *DR*, 24 September 2017. <http://www.dr.dk/nyheder/indland/dansk-krigsskib-bygget-med-hjaelp-fra-nordkoreanske-tvangsarbejdere>.
- 'Defying Washington, North Koreans Continue to Earn Wages'. *The Straits Times*, 3 January 2018. <http://www.straitstimes.com/world/europe/defying-washington-north-koreans-continue-to-earn-wages-in-poland>.
- 'DR: Dansk krigsskib er bygget ved hjælp af nordkoreanske slavearbejdere'. *B*, 26 September 2017. <https://www.b.dk/globalt/dansk-krigsskib-er-maaske-bygget-ved-hjaelp-af-nordkoreanske-slavearbejdere>.
- European Migration Network. 'EMN Ad-Hoc Query on Ad-Hoc Query on North Korean migrant workers'. 17 May 2016. http://www.emnitalyncp.it/wp-content/uploads/2018/02/088_-_ad-hoc_query_on_north_korean_migrant_workers_wider_diss.pdf.
- Goodman, Peter S., Choe Sang-Hun, and Joanna Berendt. 'Even in Poland, Workers' Wages Flow to North Korea'. *The New York Times*, 31 December 2017. <https://www.nytimes.com/2017/12/31/world/europe/north-korea-poland-workers.html>.
- Grapperhaus, Ferdinand. 'Moderne slavernij'. *Het Financieele Dagblad*, 26 July 2016, Opinion & Dialog section.
- International Labour Organization (Commission on the Application of Standards). C.App./D.4/Add.1. List of Member States Invited to Appear before the Committee and Texts of the individual Cases. 106th session. Geneva, 6 June 2017. http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_556661.pdf.
- International Labour Organization. Individual Case (CAS) – Discussion: 2017, Publication 106th ILC session (2017). *Comments on C029*. Geneva, 16 June 2017. http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3330959.
- Jung, Yang-hee. '북, 네덜란드대 북 노동자 연구 중단 압박'. *RFA*, 2 May 2016. https://www.rfa.org/korean/in_focus/human_rights_defector/ne-yh-02052016153222.html?searchterm=utf8:ustring=.
- Kester, Sacha. 'Noord-Korea verdient dik aan dwangarbeiders in EU, Brussel onderneemt niets'. *de Volkskrant*, 29 May 2017. <https://www.volkskrant.nl/buitenland/noord-korea-verdient-dik-aan-dwangarbeiders-in-eu-brussel-onderneemt-niets~a4497563/>.

- ‘Nordkoreanske tvangsarbejdere blev hyret til at bygge Forsvarets nye krigsskib’. *Information*, 25 September 2017. <https://www.information.dk/indland/2017/09/nordkoreanske-tvangsarbejdere-hyret-bygge-forsvarets-nye-krigsskib>.
- ‘Nordkoreanske tvangsarbejdere havde kontrakt på at bygge dansk inspektionsskib’. *ING*, 25 September 2017. <https://ing.dk/artikel/nordkoreanske-tvangsarbejdere-havde-kontrakt-paa-at-bygge-dansk-inspektionsskib-205633>.
- Oving, Rens. ‘Noord-Koreaanse dwangarbeiders werken ook in Europa’. *Metro*, 30 May 2016. <https://www.metronieuws.nl/nieuws/buitenland/2016/05/noord-koreaanse-dwangarbeiders-werken-ook-in-europa>.
- Persio, Sofia Lotto. ‘North Korean Forced Labourers Helped Building a Danish Warship: Report’. *Newsweek*, 26 September 2017. <http://www.newsweek.com/north-korean-forced-labourers-helped-building-danish-warship-report-671573>.
- Power, John. ‘New Group Seeks to End North Korea’s Forced Labour Abroad’. *The Diplomat*, 3 November 2015. <https://thediplomat.com/2015/11/new-group-seeks-to-end-north-koreas-forced-labour-abroad/>.
- Redactie. ‘45,8 miljoen slaven wereldwijd, Noord-Korea spant de kroon’. *de Volkskrant*, 31 May 2016. <https://www.volkskrant.nl/buitenland/-45-8-miljoen-slaven-wereldwijd-noord-korea-spant-de-kroon~a4310966/>.
- Ryall, Julian. ‘Polish Firms Employing North Korean ‘Slave Labourers’ Benefit from EU Aid’. *The Telegraph*, 31 May 2016. <http://www.telegraph.co.uk/news/2016/05/31/polish-firms-employing-north-korean-slave-labourers-benefit-from/>.
- Shin, Hyon-hee. ‘EU funds allegedly help bankroll N.K. regime: study’. *Korea Herald*, 30 May 2016. <http://www.koreaherald.com/view.php?ud=20160530000804&mod=skb>.
- United Nations Security Council. *Resolution 2375*. S/RES/2375(2017) (11 September 2017). <https://www.un.org/sc/suborg/en/s/res/2375-%282017%29>.
- United States Congress. *H.R.1644 – Korean Interdiction and Modernization of Sanctions Act*, 115th Cong. 4 May 2017. <https://www.congress.gov/bill/115th-congress/house-bill/1644>.
- Weis, Sebastian. ‘Cash for Kim: North Korean Forced Labourers in Poland’. *Vice*, 27 February 2017. https://www.vice.com/en_id/article/ypea8j/cash-for-kim-north-korean-forced-labourers-in-poland.
- Woodhouse, Craig. ‘Fears British Taxpayers’ Cash is Being Funnelled into North Korea’s Nuclear Weapons Programme’. *The Sun*, 25 May 2016. <https://www.thesun.co.uk/archives/politics/1215534/fears-british-taxpayers-cash-is-being-funnelled-into-north-koreas-nuclear-weapons-programme-through-the-eu/>.